IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

OP.No. 9058 of 1996(S)

PETITIONER:

THE COMMISSIONER OF INCOME-TAX, COCHIN.

BY ADV. SRI.NRK.NAIR

RESPONDENT:

F.A.C.T. LTD., UDYOGAMANDAL

BY ADV. SRI.C.N.RAMACHANDRAN NAIR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

O.P..No. 9058 of 1996

Dated, this the 4th day of June, 2007

JUDGMENT

H.L.Dattu, C.J.

The assessee being aggrieved by the orders passed by the Commissioner of Income-tax (Appeals) had filed the second appeal before the Income-tax Appellate Tribunal, Cochin Bench, Cochin, for the assessment year 1978-79. The Tribunal had allowed the appeal.

2. The Revenue had filed an application under section 256(1) of the Income Tax Act inter alia requesting the Tribunal to state the case and refer the question of law for consideration and decision of this court. The Tribunal by order dated 11th of August, 1995 had rejected the application so filed by the Revenue. That is how the Revenue is before us in this petition filed under sec.256(2) of the Income Tax Act, 1961.

3. Having gone through the question of law framed by the Revenue, we are of the opinion that the said question would arise for consideration and decision of this court. Therefore, an appropriate direction requires to be issued to the Tribunal. Accordingly, the following:

Order

This original petition is allowed. The Tribunal is directed to state the case and refer the question of law sought for by the Revenue in their

application filed under sec.256(1) of the Income Tax Act, 1961 for consideration and decision of this court. Ordered accordingly.

H.L. DATTU
CHIEF JUSTICE

K.T. SANKARAN
JUDGE

mt/DK

H.L. DATTU, C.J.
&
K.T.SANKARAN, J.

O.P.9058 OF 1996

JUDGMENT

4.6.2007